

Order

Michigan Supreme Court
Lansing, Michigan

September 28, 2011

Robert P. Young, Jr.,
Chief Justice

142958

Michael F. Cavanagh
Marilyn Kelly
Stephen J. Markman
Diane M. Hathaway
Mary Beth Kelly
Brian K. Zahra,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 142958
COA: 302167
Saginaw CC: 08-030676-FH

BRENT ROY HARRINGTON,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the March 3, 2011 order of the Court of Appeals is considered and, pursuant to MCR 7.302(H)(1), in lieu of granting leave to appeal, we REMAND this case to the Saginaw Circuit Court. The court articulated a substantial and compelling reason for departing from the guidelines when imposing a sentence following a probation violation, but it failed to articulate any rationale to justify imposition of the longest possible minimum sentence. *People v Smith*, 482 Mich 292 (2008). On remand, the court shall either issue an order that articulates why this level of departure is warranted, or resentence the defendant. In all other respects, leave to appeal is DENIED, because we are not persuaded that the remaining questions presented should be reviewed by this Court.

We do not retain jurisdiction.



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

September 28, 2011

Corbin R. Davis

Clerk